

ENVIRONMENTAL PROTECTION COMMISSION
GENERAL MEETING/PUBLIC HEARING
MEETING MINUTES
FEBRUARY 1, 2006

The meeting was called to order at 7:30 P.M. in Room 206 of the Darien Town Hall.

Commission Members Present: Chairman Peter Hillman, Susan Cameron, Craig Flaherty, Reese Hutchison, Robert Kenyon, Ellen Kirby, Edwin Lewis

Commission Staff Present: David Keating, Richard Jacobson

Court Reporter: Bonnie Syat

Old Business

Discussion regarding the Darien High School Project, EPC-49-2001, 80 High School Lane.

The Commission discussed the Darien High School project with Joe Canas from Tighe & Bond. Mr. Canas stated that he had notified the Building Committee regarding the status of the erosion and sediment controls and the contractor, Gerry Nielsen, after a January 30th site inspection. The status is unchanged. The silt fences are in disrepair and the construction entrance needs replacement. He will visit the site tomorrow. Susan Cameron stated that she would like to be on the site inspection.

Mr. Hutchison asked what the EPC can do to help him do his job better. Mr. Canas responded that the EPC presence on the site inspections is helpful. Chairman Hillman asked what could be done at the beginning stage of the project, what other additional controls or stipulations that could be used. Mr. Canas stated that those conditions should already be covered under the general Permit. Mr. Flaherty suggested a condition of monthly site walks with Commission members. Mr. Hutchison stated that in the contract there should be punitive measures for violations of the erosion and sediment controls. Mr. Canas suggested that the erosion controls be viewed before construction. He also suggested that measures should be taken to strengthen the contract.

Chairman Hillman requested that Ms. Cameron go with Mr. Canas on his site inspection and Mr. Canas will report at the March 1st meeting.

EPC 1-2006, Robert and Pamela Pik, 1 Dew Lane, proposing construction of additions to the residence within the regulated area. The property is on the southeast corner formed by the intersection of Dew Lane and Mansfield Avenue and is shown on Assessor's Map #1 as Lot #43.

Jeff McDougal from William Seymour & Associates stated that this is a minor project. They will use the existing foundation for the chimney and dig the foundation by hand. Second story construction will be outside of the regulated area. Chairman Hillman made a motion to approve

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the application. The motion was seconded by Mr. Hutchison. The application was approved unanimously.

Request for Extension of Permit EPC # 12-2001, Paul and Hazel Durham, 31 Prospect Avenue.

Mr. Durham stated that prices have gone up over the years and they have run up against a deadline. Mr. Hutchison questioned whether the swimming pool and drainage was part of the original application. Ms. Cameron expressed concern regarding the additional impervious surfaces.

Chairman Hillman stated that this was originally a violation and that the remediation plan is approved. Mr. Durham stated that the summer was too wet to do the restoration plantings. The Chairman stated that the remediation work should be done first. He also stated that there should be a bond for this work.

Mike Fishman from Stearns & Wheler described the original application for the pool. He stated that the extent of the lawn has not changed. The contractor over-cleared the area resulting in a violation. The impervious surface is to be a replacement of existing. He stated that there has been a significant increase in the hydrology since the original application. Mr. Hutchison questioned whether the plantings would change because of this. Mr. Fishman stated that no, the plantings would not change.

Chairman Hillman suggested a one year extension on the addition in the pool. Ms. Cameron asked Mr. Fishman why the hydrology has changed and does the impervious surface area match. Mr. Fishman stated that the existing drainage structures will handle the runoff. He stated that the summer was particularly wet this year. Mr. Hutchison questioned whether more trees are warranted. Mr. Fishman stated that the planting plan is already very dense.

A motion was made by Chairman Hillman to approve a two year extension. The motion was approved by a 6 to 1 vote. Chairman Hillman, Ms. Cameron, Mr. Flaherty, Mr. Hutchison, Ms. Kirby and Mr. Lewis voted in favor. Mr. Kenyon was opposed.

New Business

The Commission discussed three Planning & Zoning referrals:

Joseph Coppola, 6 Cross Road, new residence.

Balloch, 15 Edgehill Drive, swimming pool and terrace.

James Ramsey, 136 Pear Tree Point Road, swimming pool, spa, terrace and pool house.

Mr. Lewis volunteered to review the Pear Tree Point Road project. Ms. Kirby and Mr. Hutchison volunteered to review the 6 Cross Road and 15 Edgehill Drive. Mr. Gleason stated that the Balloch application will be revised within the next 10 days.

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New Applications:

EPC 4-2006, John B. Ward, 32 Beach Drive, proposing repair/replacement of existing sea wall with associated excavation and filling within a regulated area. The subject property is located on the west side of Beach Drive approximately 300 feet south of the intersection of Outlook Drive and Beach Drive and is shown on Tax Assessor's Map 53 as Lot 6.

Mr. Flaherty stated that his firm is sometimes a consultant and partner with Redniss & Mead Surveyors, but that he feels he can be impartial on this application. Mr. John Roberge of Roberge Associates stated that he does not have any objection to Mr. Flaherty sitting on this application.

Chairman Hillman stated that he feels the application warrants a public hearing because it is a significant activity. Mr. Kenyon questioned whether the Commission should hire an outside expert. Mr. Flaherty stated that the application appears to be mostly a repair.

Ms. Cameron noted that the house to the right has a significant amount of vegetation in front of the wall and that there is no vegetation in front of the Ward property wall. Mr. Roberge stated that the intention is to withdraw the ramp approximately 5 feet which has impacted the growth of plants. Ms. Cameron questioned whether they considered a planting plan. Mr. Roberge responded that they would prefer natural re-vegetation.

The Commission scheduled a public hearing for March 1, 2006.

EPC 11-2006, Charles & Brook McIlvaine, 57 Nearwater Lane, proposing partial demolition of an existing residence, additions to the residence and driveway with associated development activities within the regulated area. The subject property is located on the west side Nearwater Lane approximately 500 feet north of the intersection of Nickerson Lane and Nearwater Lane and is shown on Tax Assessor's Map #52 as Lot #21.

Mr. Sean O'Kane, Architect, represented the applicant. The Chairman stated that he feels this is a possible, significant activity and that a public hearing would be in the public interest. Ms. Cameron requested a wetland assessment and drainage calculations. Mr. Flaherty questioned whether the infiltration structures will work so close to the wetlands' soils. He also requested more information on soils in the area of the drainage structure. Ms. Cameron suggested they consider a rain garden. Mr. O'Kane stated that they will be considering additional wetland plantings.

The Commission scheduled a public hearing for March 1, 2006

EPC 10-2006, Patricia Marie Leger, 10 Spring Grove Street, proposing removal of surface debris and addition of topsoil and plantings within a regulated area. The subject property is located on the east side of Spring Grove Street approximately 200 feet south of its intersection with Camp Avenue and is shown on Tax Assessor's Map #8 Lot # 115, 116, and 91.

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Ms. Leger and Andrew Loglisci of Loglisci Water Gardens represented the applicant. Mr. Loglisci stated that the ultimate goal is to capture the spring water runoff and direct the water to a water feature. A motion by Chairman Hillman to approve the plan, seconded by Mr. Hutchison. The application was approved unanimously.

EPC 9-2006, Karen & William Bonner, 12 Shady Acres Road, proposing planting of grass to expand lawn area. The applicant has also requested an amendment to the Inland Wetlands and Watercourses Map to reflect that there are no regulated areas on the property. The subject property is located on the east side of Shady Acres Road approximately 700 feet south of the intersection of Marianne Road and Shady Acres Road and is shown on Tax Assessor's Map #4 as Lot #3.

Mr. Hutchison made a motion to approve the activity and adopt the findings of the soil scientist. The motion was seconded by Mr. Flaherty. The application was approved unanimously.

EPC 7-2006, Kenneth & Jane Prince 15 Dellwood Road, proposing replacement of a pool house. The applicant has also requested an amendment to the Inland Wetlands and Watercourses Map to reflect that there are no regulated areas on the property. The subject property is located on the west side of Dellwood Road approximately 1000 feet east and north of the intersection of Maywood Road and Dellwood Road and is shown on Tax Assessor's Map #12 as Lot #9.

A motion was made by Mr. Kenyon to adopt the soil scientist report and to approve the activity. Seconded by Mr. Lewis. The application was approved unanimously.

EPC 5-2006, S.E Minor & Co., Inc. on behalf of James & Susan Brewer, 98 Ridge Acres Road, proposed filling and regrading within 50 feet of a regulated area. The subject property is located on the east side of Ridge Acres Road approximately 700 feet north of the intersection of Highview Road and Ridge Acres Road and is shown on Tax Assessor's Map #4 as Lot #46

Mr. Rob Frangione and Mrs. Susan Brewer appeared for the applicant. Ms. Cameron stated that she is on the Board of the Darien Land Trust with Mrs. Brewer and that she does not feel she has a conflict hearing this application.

Mr. Frangione stated that the erosion and sediment controls have been provided along with outlet protection for the roof and footing drains and tree protection. He also stated that the neighbor has been noticed for the building demolition. Mr. Flaherty stated that he has a concern over the size of the structure and the close proximity to the neighbor.

The Commission scheduled a March 1, 2006 public hearing because a hearing is in the public interest.

PUBLIC HEARING

EPC 105-2005, Wilder G. Gleason, Esq., on behalf of Paul & Diane Reilly, 33 Birch Road for Cherry Lawn Park, Brookside Road, Proposing to implement a remediation plan for Cherry

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Lawn Park and perform related site development activities within a regulated area. The subject property is located on the west side of Birch Road, approximately 300 feet south of its intersection with Point O Woods Road, and is shown on Assessors Map #11 as Lot #4-5. The property where the activity is proposed to occur is Cherry Lawn Park, located on the east side of Brookside Road, and is shown on Assessors Map #11 as Lot #31.

Attorney Wilder Gleason appeared for Mr. & Mrs. Reilly. He stated that the understory was cleared surrounding the pond and he submitted photos. He stated that Sue Swiatek of Park & Recreation would like to be notified before work begins and they have no objection. Mr. Matt Popp of Environmental Land Solutions stated that the clearing was understory and most of the species were non-native including honeysuckle. Mitigation plantings are native species. They will also get rid of invasive Norway maples. Ms. Cameron suggested that some of the plants be substituted with Winterberry Holly.

Mr. Kenyon questioned the addition of the small gate. Was the gate included to provide access for the landscaper? Mrs. Reilly stated that the gate is for neighborhood children to access the park. Mr. Gleason stated that there is already an effective mechanism to prevent unauthorized activity in the park. He suggested that the Commission stipulate that any yard waste will be removed. Mr. Kenyon stated that he noticed the clearing in October. He suggested notifying the neighbors to prevent them from going through the same thing. Mrs. Reilly stated that she spoke to neighbors within 100 feet and she presented a letter signed by eight neighbors.

Chairman Hillman requested a bond estimate. Mr. Popp stated that the bond estimate is \$3,000.00. The Commission will add a condition that the bond be held for two growing seasons with the possibility of release of half the bond after this first season.

EPC 106-2005, Wilder G. Gleason, Esq., on behalf of Terrance & Cara Ganzer, 9 Windsor Road, Proposing to raze the existing residence and construct a new residence; including removal of an existing patio, and perform related site development activities within a regulated area. The subject property is located on the west side of Windsor Road, approximately 300 feet south of its intersection with Greenleaf Avenue and is shown on Assessors Map #26 as Lot #69.

Attorney Wilder Gleason and Mike Fishman from Stearns & Wheler represented the applicant. Mr. Gleason stated that a stream bisects the property. Three thousand square feet of impervious surface and tree clearing was previously approved by the EPC and a copy of the minutes was submitted. The wetlands are mapped larger than is shown on the Town map. The project will reduce the impervious surface by 200 square feet and a shed within the regulated area will be removed. Mr. Hutchison asked if the house is at the zoning setback in front. Mr. Gleason responded, yes. Mr. Fishman stated that the existing house is 25 feet from the wetland while the new house will be 32 feet from the wetland. The existing patio is 32 feet from the wetland and the proposed deck will be 37 feet from the wetland.

Mr. Fishman described changes in the drainage plan including two rain gardens which were added to increase the capacity of the storm water detention. Mr. Ganzer addressed the question why portions of the site outside of the wetland area are wet. He stated that the sump pump

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discharges to those areas. Mr. Gleason suggested a stipulation that the sump pump be pumped to the rain garden. Mr. Lewis asked if the property is served by public sewers. Mr. Gleason responded yes.

Chairman Hillman asked if anyone from the public wished to speak. No one from the public came forward.

Ms. Cameron questioned whether pachysandra was appropriate. Mr. Fishman suggested that it should be left in place and described the proposed planting plan. Mr. Kenyon requested a stipulation that no play equipment be permitted in the regulated area.

The Commission discussed the rain gardens and removal of the shed as significant pluses to the application. The proposed home is a modular home which will significantly shorten the construction period.

The Commission requested that staff prepare a draft resolution for approval of the application.

EPC 92-2005, William W. Seymour & Associates on behalf of Kent & Lisa Eppley, 20 Driftway Lane, proposing to construct a two-story garage and perform related site development activities within a regulated area. The subject property is located on the east side of Driftway Lane, approximately 200 feet northeast of its intersection with Tokeneke Road, and is shown on Assessor's Map #66 as Lot #121.

Jeff McDougal from William Seymour & Associates represented the applicant. Mike Fishman from Stearns & Wheler also spoke, saying he was commenting on a "pro bono" basis and had only recently looked at the site for the first time. Mr. McDougal stated that the primary impact is the addition of the impervious surface area which will create 0.1 cubic feet per second of additional runoff in a fifty year storm. This runoff is relatively clean roof water. Because the site is at the bottom of the watershed, it is better to shed the water quickly. Mr. Fishman stated that the alternative garage location makes the driveway too difficult to negotiate turns.

Chairman Hillman asked if a two bay garage was considered. Mr. Fishman said that a two bay garage represents a very small decrease in runoff. He suggested ways of improving the functional value of the wetlands including creating a riparian buffer with native vegetation where there is now a lawn.

Ms. Cameron questioned how many bedrooms were in the house when the Eppleys purchased the property. Mr. Eppley responded there were four bedrooms. Ms. Cameron asked how many bedrooms there are now. Mr. Eppley said seven.

Mr. Eppley said he feels he has done what his experts suggested and expressed strong resistance to any comments or modifications. Chairman Hillman questioned the applicant's attitude; he said that applicants generally work with the Commission. He said there has been a significant increase in activity on the site. The Commission suggested numerous alternatives including making the existing garage door bay larger, making the garage a two bay garage, adding a

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storage area to the existing house, or locating the garage farther from the regulated area. Mr. Hutchison questioned whether an outside expert should be hired to evaluate the impacts.

The Commission continued the hearing to March 1st to allow the applicant to develop additional mitigation plans and review alternatives.

EPC 107-2005, John R. Mastera, Architect, AIA, on behalf of Thomas & Joanne Woodring, 11 Edgehill Drive, Proposing to construct additions and alterations to the existing residence and perform related site development activities within a regulated area. The subject property is located on the south and east sides of Edgehill Drive approximately 450 feet east of its intersection with Searles Road, and is shown on Assessor's Map #67 as Lot #38.

The applicant was represented by John R. Mastera, Architect. The Commission decided to continue this application to February 15th.

EPC 108-2005 – Tokeneke School Building Committee, 7 Old Farm Road, represented by Metcalf & Eddy, Inc., proposing to demolish the existing elementary school buildings and construct a replacement elementary school with associated grading, athletic fields, and parking areas and to perform related site development activities within a regulated area. The property is located at the southeast corner formed by the intersection of Tokeneke Road and Old Farm Road and is shown on Assessor's Map #65 as Lot #23.

Mr. Flaherty recused himself for this hearing and left at 10:20 p.m. Gary Simard from Metcalf & Eddy represented the applicant along with Mr. Bruce Hill from the School Building Committee. Mr. Simard submitted additional drainage calculations submitted at the request of the Town Engineer. Mr. Hutchison requested a report from Darren Oustafine.

Mr. Simard discussed the temporary detention system during construction and the sequence for installation of the storm water system. Ms. Cameron questioned where the storm water goes now and would like to send some of the storm water to the existing pipe and some to the swale along the south side of the property to avoid concentration. Mr. Hutchison asked about the existing clay pipe and whether it should be checked.

Ms. Cameron questioned whether a tree at the outfall pipe can be saved. Mr. Simard said that they should be able to save the tree.

Mr. Hutchison asked regarding the oil tanks whether or not they are underground and is there any indication that they are leaking. Mr. Hill explained that the usage of oil is kept very close track of and that the oil tanks are to be removed.

Mr. Simard introduced Jeff Gebrian, Landscape Architect to present the Landscaping Plan. Mr. Gebrian presented the Landscaping Plan for the steep slope behind the baseball field. Mr. Keating questioned whether there is a need for fencing associated with the baseball field to protect the players or separate the planting area from the use area. The Commission may stipulate that a protective fence be installed to prevent damage to the plantings such as a split rail fence with wire.

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Mr. Simard said that the area of the temporary detention basin will be restored to grass at the end of the project.

Ms. Cameron requested that the trees to be removed be flagged prior to the next meeting. The Commission will request that Mr. Oustafine attend the February 15th hearing. Chairman Hillman requested that the staff prepare language for the framework of a resolution. Mr. Hill introduced Bruce Pittman from Turner Construction. The Commission discussed the erosion and sediment controls with Mr. Pittman to improve the process and to help avoid the same problems that occurred with the High School. Chairman Hillman suggested a stipulation that the site be inspected by a monitor who reports to the Commission.

Mr. Pittman introduced Vick Ciacetta from Turner Construction who will be the project manager. Mr. Ciacetta said that he has experience in erosion and sediment controls and wetland issues. Mr. Lewis suggested there be a summary of protocols to enforce contracts with subcontractors.

Chairman Hillman asked Mr. Hill what plans there are for asbestos abatement. Mr. Hill said that testing does not show that there are any insurmountable problems. The Commission continued the public hearing to February 15th.

The Commission ended the public hearings at 11:20 p.m.

The Commission discussed the agenda for the February 15th special meeting.

Mr. Keating requested an opinion from the Commission regarding the Granath application. They have requested a modification to the location of the air conditioning units. The Commission requested that they show the new location on a plan.

The meeting was adjourned at 11:35 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer